

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDWARD HEINZ,

Plaintiff,

v.

SGT. BOYD, *et al.*,

Defendants.

Case No. C08-5251 FDB/KLS

ORDER DIRECTING PLAINTIFF TO
FILE AMENDED COMPLAINT

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff has been granted leave to proceed *in forma pauperis*. Before the court for review is Plaintiff's civil rights complaint in which Plaintiff purports to sue various employees of the Washington Corrections Center in Shelton, Washington. (Dkt. # 1). However, Plaintiff has failed to properly allege how each of these named Defendants personally participated in causing the harm alleged in the Complaint. For the reasons stated below, the Court directs Plaintiff to file an Amended Complaint.

I. DISCUSSION

Although Plaintiff purports to sue "Sergeants Boyd, Smith, Sanchez, Serena Davis, CUS (Lt.) Butler, CO's Bishop, Walker, RADA, Waters, and Cuenga," pursuant to 42 U.S.C. § 1983, he failed to allege how each of these named Defendants personally participated in causing the harm

1 alleged in the Complaint. On Page 1 of his civil rights complaint, Plaintiff states that these “are the
2 people who denied [him] food and kept [him] in ice cold room (47° degrees) w only one inadequate
3 blanket.” (Dkt. # 1, p. 1)

4 Plaintiff’s Complaint must include factual allegations describing how each individual
5 caused or personally participated in causing him the harm that he claims he suffered. Plaintiff
6 should set forth facts describing how each Defendant participated in the actions Plaintiff describes
7 in his Complaint.

8 In addition, Plaintiff fails to set forth a claim for relief. Instead he states merely that he
9 wants “help to sue DOC employees for mistreatment,” and that the court should assist him in this by
10 acquiring discovery on his behalf. Rule 8(a) of the Federal Rules of Civil Procedure requires, in
11 pertinent part, that a pleading which sets forth a claim for relief shall contain a demand for
12 judgment for the relief that the pleader seeks. Relief in the alternative or of several different types
13 may be demanded. Rule 8(a)(3).


15 The court also notes that Plaintiff has requested the Clerk of the Court to obtain information
16 relating to the named Defendants for purposes of service. (Dkt. # 3). Despite Plaintiff’s *in forma*
17 *pauperis status*, he must supply the information necessary to identify the defendants to be served.
18 *Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994) (quoting *Puett v. Blanford*, 912 F.2d 270, 275
19 (9th Cir. 1990)), abrogated on other grounds by *Sandin v. Connor*, 515 U.S. 472 (1995). Neither the
20 U.S. Marshal Service nor the Clerk of the Court may engage in investigatory efforts on behalf of
21 parties to a lawsuit as this would improperly place the Court in the role of the Plaintiff’s advocate.

22 It is also noted that the service copies submitted by Plaintiff were not identical to his
23 proposed original complaint. Service copies must be identical in every way or they will be rejected
24 by the court and not served by the U.S. Marshal service.
25

Accordingly, it is **ORDERED**:

- (1) Plaintiff shall file an Amended Complaint setting out facts outlining his cause or causes of action against each named Defendant. Plaintiff should set out what each Defendant did, how that conduct violated Plaintiff's constitutional right or rights, how that Defendant's conduct injured him, and what remedies Plaintiff seeks for that conduct. Plaintiff should also include a prayer for relief setting forth what damages and/or injunctive relief he seeks. The Amended Complaint will act as a complete substitute for the original complaint (Dkt. # 1) in this action. To aid Plaintiff, the Clerk is directed to send Plaintiff a 1983 civil rights complaint for prisoners;
- (2) Plaintiff is advised that the Amended Complaint will act as a complete substitute for the original complaint so it should include all parties, causes of action and exhibits. The amended complaint will be due on or before **July 3, 2008**. Plaintiff shall provide identical copies of the Amended Complaint and completed service forms for service on each of the named Defendants. The Court Clerk is directed to send the appropriate forms to Plaintiff.

DATED this 2nd day of June, 2008.



Karen L. Strombom
United States Magistrate Judge